

CHAPTER 2
FORMS

[Prior to 10/8/86, Commerce Commission[250]

199—2.1(17A,474) Forms—general.

2.1(1) Purpose and scope. These rules shall govern all forms prescribed by the Iowa utilities board (hereinafter referred to as board) for use in all proceedings before the board, provided however, that the board may prescribe additional or different forms to be utilized in a specific case as necessary.

2.1(2) Forms compliance. All papers filed with the board shall substantially conform with the requirements set forth below. The board, without prejudice to any party to a proceeding, may reject a paper which does not substantially conform with the requirements of this chapter, giving a statement of reasons for the rejection.

2.1(3) General requirements. Documents filed with the board shall be printed, typewritten, or otherwise mechanically reproduced and double spaced, except that long quotations may be single spaced and indented. All papers, except exhibits, shall be cut or folded so as not to exceed 8½ inches by 11 inches in size with inside margins not less than 1 inch in width. Whenever practical, all exhibits of a documentary character should conform to the foregoing requirements of size and margin. Papers should contain the name and address of the party filing the paper and, if represented by an attorney, the name and office address of such attorney. Except as otherwise provided in these rules, the original of all papers and exhibits should be filed with the board. The person filing the paper or exhibit shall also furnish additional copies for each respondent or party to be served by the board and such other copies as the board may request.

This rule is intended to implement Iowa Code section 474.5.

199—2.2(17A,474) Specific forms.

2.2(1) Petition for rule making.

STATE OF IOWA

BEFORE THE IOWA UTILITIES BOARD

IN RE: (insert present board rule number and short title, if any, or short title of subject for proposed new rule)



DOCKET NO. _____
(completed by board)

PETITION FOR RULE MAKING

COMES NOW (insert name of petitioner) and for (insert pronoun) petition states:

(The petition shall then set forth in separately numbered paragraphs:

1. The text of any proposed rule or amendment, identifying the section or sections of the law or rule involved, or the rule sought to be repealed.

2. The reasons for requesting the action, including any relevant facts, views, data, or arguments.

3. A concise statement of the petitioner's interest in the subject matter.)

WHEREFORE, (insert petitioner's name) prays that the board institute a rule-making proceeding to (adopt, amend, or repeal) (insert board rule number or the proposed rule) as hereinbefore set forth.

Respectfully submitted,

(signature of petitioner)
(name)
(address and zip code)

2.2(2) *Statement of position.*

STATE OF IOWA

BEFORE THE IOWA UTILITIES BOARD

(insert title of proceeding as set forth in
board order commencing rule making)



DOCKET NO. (insert docket No.,
if known)
STATEMENT OF POSITION

COMES NOW, (insert name of person filing statement) and for (insert pronoun) statement of position submits:
(The statement shall then set forth in an organized manner any data, views, or arguments relevant to the adoption, amendment, or repeal of the rule.)

Respectfully submitted,

(signature)
(name)
(address and zip code)

2.2(3) *Counter-statement of position.*

STATE OF IOWA

BEFORE THE IOWA UTILITIES BOARD

(insert title of proceeding as set forth in
board order commencing rule making)



DOCKET NO. (insert docket No.,
if known)
COUNTER-STATEMENT OF
POSITION

COMES NOW, (insert name of person filing counter-statement) and for (insert pronoun) response to the statement of position of (insert name of person filing statement of position) states:
(The statement shall then set forth in an organized manner a response to any data, views, or arguments set forth in the statement of position.)

Respectfully submitted,

(signature)
(name)
(address and zip code)

2.2(4) Request for rule-making oral presentation.

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

(insert title of proceeding as set forth in
board order commencing rule making)



DOCKET NO. (insert docket No.,
if known)
REQUEST FOR ORAL
PRESENTATION

COMES NOW (insert name(s) of persons or the organization or agency requesting oral presentation) and for (insert pronoun) request for oral presentation state(s):

(The request shall then set forth in separately numbered paragraphs:

1. The facts which show the person, persons, organization or agency is/are authorized to request oral presentation on rule making in accordance with Iowa Code section 17A.4.
2. The reasons for requesting oral presentation.
3. A concise statement of the party's interest in the subject matter (if the party is not the administrative rules review committee).)

WHEREFORE, (insert party's name) requests the board to schedule oral presentation in this proceeding.

Respectfully submitted,

(signatures, addresses and zip codes of 25 interested persons; or signature, address and zip code of head of governmental subdivision, chairman of the administrative rules review committee, head of an agency, or authorized representative of an association having not less than 25 members)

2.2(5) Request for rule-making statement.

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

(insert title of proceeding as set forth in board order commencing rule making)	}	DOCKET NO. (insert docket No., if known) REQUEST FOR STATEMENT
---	---	---

COMES NOW (insert name of person requesting statement) and for (insert pronoun) request states: (The request shall then set forth in separately numbered paragraphs:

1. A concise statement that on (insert date) the board issued an order (adopting, amending or repealing) (insert rule number) (or terminating rule-making proceeding, Docket No.) (insert Docket number).

2. A concise statement of the party’s interest in the subject matter.)

WHEREFORE, (insert party’s name) requests the board to issue a formal statement in support of its decision pursuant to Iowa Code section 17A.4(1) “b.”

Respectfully submitted,

(signature)
(name)
(address and zip code)

2.2(6) *Petition for declaratory ruling.*

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

IN RE: THE PETITION OF (insert
petitioner's name) FOR A
DECLARATORY RULING ON (insert
rule number, statute, etc., for
which interpretation sought)



DOCKET NO. _____
(completed by board)
PETITION FOR DECLARATORY
RULING

COMES NOW (insert name of petitioner) and requests a declaratory ruling on (state rule number, statute, order, decision, or other written statement of law or policy for which an interpretation is sought), and in support of which petitioner states:

(The petition shall then set forth in separately numbered paragraphs:

1. A clear and concise statement of all relevant facts on which the ruling is requested.
2. A citation and the relevant language of the specific statutes, rules, policies, decisions, or orders, whose applicability is questioned, and any other relevant law.
3. The questions petitioner wants answered, stated clearly and concisely.
4. The answers to the questions desired by the petitioner and a summary of the reasons urged by the petitioner in support of those answers.
5. The reasons for requesting the declaratory ruling and disclosure of the petitioner's interest in the outcome.
6. A statement indicating whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner's knowledge, those questions have been decided by, are pending determination by, or are under investigation by, any governmental entity.
7. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the questions presented in the petition.
8. Any request by petitioner for a meeting provided for by rule 4.4(17A).)

The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner's representative, and a statement indicating the person to whom communications concerning the petition should be directed.)

WHEREFORE, (insert petitioner's name) prays that the board issue a declaratory ruling on (insert proposed subject of ruling).

2.2(7) Complaint.

STATE OF IOWA

BEFORE THE IOWA UTILITIES BOARD

(insert name of complainant), Complainant,	}	DOCKET NO. _____ (completed by board)
v.		
(insert name of respondent), Respondent.	}	COMPLAINT

COMES NOW (insert name of complainant) and for (insert pronoun) complaint states:
(The complaint shall then set forth in separately numbered paragraphs:

1. The name and address of the party against whom the complaint is made.

2. A clear, concise, and complete statement of the facts forming the basis for the conclusion that the respondent has violated a specific statute administered by the board, a specific rule of the board, a tariff of the respondent, or order issued by the board.)

WHEREFORE, (insert complainant's name) prays (insert specific relief sought).

Respectfully submitted,

(signature of complainant)
(name)
(address and zip code)

2.2(8) Answer:

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

(insert name of complainant), Complainant,	}	DOCKET NO. (insert docket No.)
v.		
(insert name of respondent), Respondent.	}	ANSWER

COMES NOW (insert name of respondent) and for (insert pronoun) answer to the complaint filed by (insert complainant's name) states:

(The answer shall then set forth in separately numbered paragraphs:

1. Clear, concise statements which admit, deny, or otherwise answer all material allegations of the complaint and which set forth the affirmative grounds relied upon to support such answer.

2. The statements, insofar as possible, should respond directly to the separately numbered paragraphs of the complaint.)

WHEREFORE, (insert respondent's name) prays (insert prayer for dismissal of complaint or other relief sought).

Respectfully submitted,

(signature of respondent)
(name)
(address and zip code)

2.2(9) Counter-complaint.

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

(insert name of complainant), Complainant,	}	DOCKET NO. (insert docket No.)
v.		
(insert name of respondent), Respondent.	}	COUNTER-COMPLAINT

COMES NOW (insert name of respondent) and for (insert pronoun) counter-complaint states:
(The counter-complaint shall then set forth in separately numbered paragraphs:
1. The name and address of the party against whom the counter-complaint is made.
2. A clear, concise and complete statement of the facts forming the basis for the conclusion that the complainant has violated a specific statute administered by the board, a specific rule of the board, a tariff of the complainant, or order issued by the board.)
WHEREFORE, (insert respondent’s name) prays (insert specific relief sought).

Respectfully submitted,

(signature of respondent)
(name)
(address and zip code)

2.2(10) *Petition to intervene.*

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

(insert case title)	}	DOCKET NO. (insert docket No.)
		PETITION TO INTERVENE

COMES NOW (insert name of petitioner) and for (insert pronoun) petition states:
(The petition shall then set forth in separately numbered paragraphs:

1. A clear and concise statement of facts specifying the nature of the petitioner’s alleged interest.

2. A clear and concise statement of how the petitioner’s interests are unique and require representation in addition to the existing parties. (If the petitioner’s interests will be represented by the existing parties, the petition will be considered for permissive intervention.) If a petition for intervention is initially denied, the petitioner may provide further information to the board to establish the unique nature of his/her interests.

3. Specific and detailed admissions or denials of each material allegation of fact or law asserted in the proceeding, citing, where appropriate, the statutory provisions or authority relied on. The admissions or denials should give a clear and concise statement of the position of the petitioner so as to apprise the parties and the board of the specific issues of law or fact to be raised or controverted.

4. Outline the extent to which the petitioner intends to participate in the proceedings:

Whether the petitioner intends to submit prepared direct testimony and exhibits.

Whether the petitioner intends to participate in hearings before the board including the cross-examination of expert witnesses.

Whether the petitioner will be represented by an attorney at law admitted to practice or seeks approval of the board to appear and be heard in his/her own behalf.)

WHEREFORE, (insert petitioner’s name) prays for leave to intervene and be treated as a party to the proceeding (if affirmative relief is sought, include specific prayer for such relief).

Respectfully submitted,

(signature of petitioner)
(name)
(address and zip code)

2.2(11) *Response to petition to intervene.*

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

(insert case title)	}	DOCKET NO. (insert docket No.) (resistance, response) TO PETITION TO INTERVENE
---------------------	---	---

COMES NOW (insert name of person filing resistance or response) and in (response, resistance) to the Petition to Intervene filed by (insert petitioner’s name) states:

(The response should then set forth in separately numbered paragraphs:

- 1. Objections, if any, supported by specific reasons, to granting the petitioner the right of intervention.
- 2. A request, if any, supported by specific reasons, to limit the right of intervention to particular issues or to a particular stage of proceeding.
- 3. Insofar as possible, a direct response to the specific issues of law or fact raised in the petition to intervene.)

WHEREFORE, (insert name of person filing response) prays (insert specific relief sought).

Respectfully submitted,

(signature)
(name)
(address and zip code)

2.2(12) *Motion to reopen hearing.*

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

(insert case title)	}	DOCKET NO. (insert docket No.)
		MOTION TO REOPEN HEARING

COMES NOW (insert name of party) and moves the board to reopen the record for the purpose of taking additional evidence and in support thereof states:

(The motion shall then set forth in separately numbered paragraphs:

A clear and concise statement of the facts claimed to constitute grounds requiring reopening of the proceeding, including material changes of fact or law alleged to have occurred since the conclusion of the hearing.)

WHEREFORE, (insert name of party) prays that the board reopen said hearing.

Respectfully submitted,

(signature of party)
(name)
(address and zip code)

2.2(13) *Application for rehearing.*

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

(insert case title)	}	DOCKET NO. (insert docket No.)
		APPLICATION FOR REHEARING

COMES NOW (insert name of party) and for (insert pronoun) application for rehearing states:
(The application shall then set forth in separately numbered paragraphs:

1. Each finding of fact and conclusion of law claimed to be erroneous, with a brief statement of the grounds of error.
2. Any application for rehearing asserting evidence which has arisen since the final order was issued as a ground for rehearing shall present the evidence by affidavit which includes an explanation of the competence of the person to sponsor the evidence and a brief description of the evidence sought to be included.)

WHEREFORE, (insert name of party) prays the board grant rehearing on the issues specified.

Respectfully submitted,

(signature of party)
(name)
(address and zip code)

2.2(14) Motion.

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

(insert case title)	}	DOCKET NO. (insert docket No.)
		MOTION FOR (insert subject matter of motion)

COMES NOW (insert name of moving party) and moves the board to (insert specific relief sought) and in support thereof states:
(The motion shall then set forth in separately numbered paragraphs the grounds relied on in making the motion, including specific statutory or other authority.)
WHEREFORE, (insert name of moving party) prays the board to (insert specific relief or order sought).

Respectfully submitted,

(signature)
(name)
(address and zip code)

2.2(15) Written appearance.

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

(insert case title)	}	DOCKET NO. (insert docket No.)
		APPEARANCE

COMES NOW (insert name of person filing appearance) and enters (insert pronoun) appearance on behalf of (insert name(s), address(es) and zip code(s) of person(s) on behalf of whom the appearance is filed) in this matter.

Respectfully submitted,

(signature)
(name)
(address and zip code)

2.2(16) Certificate of service.

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding in accordance with the requirements of the rules of the Iowa utilities board.

Dated at _____ this _____ day of _____, 19 _____.

By _____
(signature)
(name)
(address and zip code)

2.2(17) Waiver request.

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

(insert case title)	}	DOCKET NO. (insert docket No.)
		WAIVER REQUEST

COMES NOW (insert name of person requesting the waiver), and files this request for a waiver, and in support states:

1. (Insert the specific waiver requested, including a citation to the specific rule the requester wants to be waived, and the precise scope and operative period of the requested waiver. If the request is for a permanent waiver, state the reasons why a temporary waiver would be impractical.)
2. (Insert the relevant facts and reasons that show each of the following: (a) the application of the rule would pose an undue hardship on the person for whom the waiver is requested; (b) the waiver would not prejudice the substantial legal rights of any person; (c) the provisions of the rule subject to a petition for waiver are not specifically mandated by statute or another provision of law; and (d) substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the rule for which the waiver is requested.)
3. (Insert the names of the persons who may be adversely impacted by the grant of the waiver, if known.)

WHEREFORE, (insert name of requester) prays the board grant the request for a waiver of the rule specified above.

Respectfully submitted,

(signature of requester)
(name)
(address and zip code)

2.2(18) *Application for certification of competitive natural gas provider (CNGP).*

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

IN RE:	}	DOCKET NO. (insert docket no.)
(insert applicant name)		APPLICATION FOR CERTIFICATION OF COMPETITIVE NATURAL GAS PROVIDER OR AGGREGATOR

COMES NOW (insert name of person or entity requesting the certificate) and files this application for a certificate as a competitive natural gas provider or aggregator (CNGP), and in support thereof states:

1. The legal name and all trade names under which the applicant will operate, a description of the business structure of the applicant, evidence of authority to do business in Iowa, and the applicant’s state of incorporation.
2. The names, business addresses and business telephone numbers of the principal officers of the applicant who can be contacted regarding its operations in Iowa and telephone number(s) at which the CNGP can be contacted 24 hours a day.
3. Identification of affiliates that are certified under 199—19.14(476) and a listing of the names and addresses of all the applicant’s affiliates engaged in the provision of competitive natural gas services in any other state.
4. A listing of all legal actions and formal complaints pertaining to the provision of competitive natural gas services filed against the applicant or its affiliates at a public utility regulatory body other than the board that were pending in the 12 months prior to the date of the request for certificate, including identification of the title and number of applicable proceedings and a copy of the final orders in such proceedings or the citation to the website where the text of the orders can be found.
5. Identification of the states and jurisdictions in which the applicant or an affiliate has had a license or certificate to supply competitive natural gas services suspended, revoked, or denied, or where the applicant has voluntarily withdrawn from providing service due to financial or operational reasons. Applicant shall include identification of the title and number of any applicable proceedings and a copy of any final orders in such proceedings or the citation to the website where the text of the orders can be found.
6. Applicants who will be serving small volume customers must provide a demonstration that the applicant has the operational and financial capability to obtain and deliver the services it proposes to offer. At a minimum, applicants are required to submit financial statements. The applicant must submit a balance sheet, statement of income, statement of cash flow, and, if applicable, a statement of shareholders’ equity and the applicant’s debt structure, including bond rating. As a demonstration of the applicant’s operational ability, the applicant must submit a roster of officers and directors, a description of the professional backgrounds of the applicant’s principal managerial and technical personnel, an operational flow chart, and a description of the applicant’s facilities and the services it intends to render. A request for confidential treatment for this information may be filed with the board, pursuant to 199—subrule 1.9(6).
7. A commitment to comply with all the applicable conditions of certification contained in 199—subrules 19.14(5) and 19.14(6). Acknowledgement that failure to comply with all the applicable conditions of certification may result in the revocation of the CNGP’s certificate.
8. A copy of the standard customer contract(s) and disclosure statement required by 199—paragraph 19.14(6)“c.”

This rule is intended to implement Iowa Code sections 17A.9A, 474.6, 476.6 and 476.8.

199—2.3 Rescinded, effective 9/8/86.

199—2.4(17A,474) Forms. The following forms for proceedings under Iowa Code chapters 478, 479, and 479B are available upon request:

1. Petition for Electric Line Franchise.
2. Petition for Amendment of Electric Line Franchise.
3. Petition for Extension of Electric Franchise.
4. Exhibit C, Overhead Transmission Line: Typical Engineering Specifications.
5. Exhibit C-UG, Engineering Specifications for Underground Transmission Line.
6. Petition for Permit to Construct, Operate, and Maintain a Pipeline.
7. Petition for Renewal of Permit to Construct, Operate, and Maintain a Pipeline.
8. Exhibit C, Specifications for Pipeline.
9. Petition for Permit for Hazardous Liquid Pipeline.

These rules are intended to implement Iowa Code sections 474.1, 474.5, 474.6, 474.10, 476.6, 476.8 and 546.7.

[Filed 2/11/76, Notice 7/14/75—published 2/23/76, effective 3/29/76]

[Filed 8/28/81, Notice 7/8/81—published 9/16/81, effective 10/21/81]

[Filed 2/12/82, Notice 10/28/81—published 3/3/82, effective 4/7/82]

[Filed emergency 9/18/86—published 10/8/86, effective 9/18/86]

[Filed 1/6/89, Notice 7/27/88—published 1/25/89, effective 3/1/89]

[Filed 3/3/89, Notice 8/24/88—published 3/22/89, effective 4/26/89]

[Published 6/17/98 to correct board name]

[Filed 10/13/99, Notice 5/19/99—published 11/3/99, effective 12/8/99]

[Filed 10/12/00, Notice 8/23/00—published 11/1/00, effective 12/6/00]

[Filed 3/1/01, Notice 7/12/00—published 3/21/01, effective 4/25/01]